

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

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| 1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other: | 5. DATE OF REQUEST: 12/22/15 | NEED RESPONSE BY: ASAP |
| 2. REQUESTOR NAME: | 6. COUNTY/ORGANIZATION: Contra Costa County | |
| 3. PHONE NO.: | 7. SUBJECT: correctness of overissuance | |
| 4. REGULATION CITE(S): ACL 12-25, ACIN I-58-13 | 8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 12-25 & ACIN I-58-13 | |

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The judge upheld a CF OI of \$378 for 5/14-6/14 due to excess income, which occurred because he failed to report income over the IRT. It was undisputed the claimant began employment on 4/1/14 & was earning a salary of \$2500/month paid bi-weekly. There is evidence he also earned commissions, but the amount was unknown and therefore not reasonably anticipated. The claimant's IRT for a household of 1 was \$1245. It was also undisputed the claimant notified the county in writing on 4/23/14 that he just got a job, but there was no income verification attached and there was no information as to the employer or the amount of earnings. The evidence shows the county sent a SAR 2 to the claimant on 4/25/14 notifying him of his IRT and reporting responsibilities. The county also tried to call the claimant twice and left a voicemail message informing him of his IRT and that his SAR 7 would be due soon for May 2014 and he was advised to call if he had questions or his income was over the IRT. It was undisputed that on 7/17/14, the claimant informed the county his income was over the IRT, he would not be sending in his May 2014 SAR 7 and to discontinue his case.

10. REQUESTOR'S PROPOSED ANSWER:

ACL 12-25 provides that a CF recipient is mandated to report within 10 calendar days of the date a specified change becomes known to the household, including when income exceeds the IRT. ACIN I-58-13 clarifies that "the date the change becomes known to the household" is defined as either the date the household becomes aware of new employment or an increase in pay, the start date of employment, or when the household first receives the income exceeding the IRT. The definition does not contain language such as "whichever occurs first" or "last". Depending on which one of these parts of the definition is used, there could be a different result. In this case, if we use the date the household becomes aware of new employment or the start date of employment, there likely is a OI for both May and June 2014. If we use the date the household first receives income exceeding the IRT, there may not have been time for the county to issue 10 day notice of discontinuance for May 2014 and so there would only be an OI for June 2014. Please advise of the department's position on which part of the definition should be applied and whether there would be an OI for both month, one month, or neither.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The CDSS' CalFresh Policy Bureau concurs with the proposed calculation of overissuance for two months. The client was aware of his income change in April and failed to report this change within 10 days (See ACL 12-25). In May the client did not complete SAR 7, and since the household failed to report the income change the county shall establish an overissuance (MPP 63.801.311(c)).

FOR CDSS USE

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| DATE RECEIVED: 11/22/2015 | DATE RESPONDED TO COUNTY/ALJ: SV 12/31/15 (916-654-1940) |
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